

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:18-cv-00043-FDW-DSC

VELLESSIA A. CHURCH,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security

Defendant.

ORDER

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation ("M&R") (Doc. No. 17). The M&R was entered on November 26, 2018. Federal Rule of Civil Procedure 72(b) allows a party fourteen (14) days to file specific written objections to a Magistrate Judge's proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). By copy of the M&R, each party was advised of the right to file written objections. No objections were filed by either party as of the date of this Order. After a careful review of the record, and finding no error, the Court hereby ADOPTS and APPROVES the findings and recommendations set forth in the M&R (Doc. No. 17). Therefore, Plaintiff's Motion for Summary Judgment (Doc. No. 10) is GRANTED and Defendant's Motion for Summary Judgment (Doc. No. 14) is DENIED. The Commissioner's decision in this case is REVERSED and this matter will be REMANDED for a new hearing pursuant to Sentence Four of 42 U.S.C. § 405(g).¹

¹ Sentence Four authorizes "a judgment affirming, modifying, or reversing the decision . . . with or without remanding the cause for a rehearing." Sullivan v. Finkelstein, 496 U.S. 617, 625 (1990).

IT IS SO ORDERED.

Signed: January 17, 2019

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

